

REMARKS

The present application was filed on November 28, 2000 with claims 1-31. Claims 1, 10, 13, 19, 22 and 26 are the independent claims. In a response dated July 26, 2004, Applicants canceled claims 6, 20, 21 and 23-25 without prejudice, and amended independent claims 1, 10, 13, 19, 22 and 26.

In the outstanding Office Action, the Examiner: (i) rejected claims 1-5, 7 and 9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0037500 filed in the name of Reynolds et al. (hereinafter “Reynolds”); (ii) rejected claims 10-19, 22 and 26-31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0108128 filed in the name of Lash et al. (hereinafter “Lash”) in view of U.S. Patent No. 6,588,013 to Lumley et al. (hereinafter “Lumley”); and (iii) indicated allowable subject matter in claim 8.

In this response, Applicants: (i) amend claim 8; and (ii) traverse the various §103(a) rejections for at least the following reasons.

Applicants appreciate the acknowledgment of allowable subject matter in claim 8. Applicants have rewritten claim 8 in independent form incorporating all limitations of the base claim (i.e., claim 1).

In their previous response, Applicants amended independent claims 1, 10, 13, 19, 22 and 26 such that the element “tags” is further defined as “one or more first tags” and “one or more second tags.” Applicants also amended the independent claims such that each system, method and program explicitly includes a limitation wherein “second tags in the tables” can be processed “to modify at least a portion of at least one of the one or more first tags.”

Still further, in their previous response, Applicants pointed the Examiner to an illustrative description at page 6, line 3, through page 7, line 2, which reads:

These and other objects, features and advantages are achieved in a system, method and program product using tags as markers for incorporating local content in a communications stream, e.g., TV broadcast or cable transmission. The system includes a transmitter generating a communication stream including program content directed to viewers, listeners, subscribers and the like. The transmitter includes an authoring tool for generating tags incorporated into the program content. A scheduler inserts the tags into the

program content so as not to disrupt the audio-visual content in the program by insertion under or splicing in the program content. An insertion module performs the insertion of the tag into the content. The finished program content with tags is stored or sent to an encoder for transmission to a receiver as a communication stream, in one embodiment, using MPEG - 2. The tags contain modifications of the content for retransmission to the local receiver area with local content or other actions. The tags are of two types. One tag initiates local action in the program content in the communication stream. A second tag overrides local action. Each tag contains a header, a tag type and tag action. The header indicates the tags that follow in the content. The tag type indicates local program content, i.e., local weather, local commercials, and viewer interaction. Tag action implements the local content. A receiver captures and stores the program content and tags in a buffer. Local tags are stored in a local table. Override tags are stored in a local override table. During the transmission of the program content, a supervisor continuously reads the local table for local tags. When the time for a local tag is detected, the program content is interrupted by splicing or inserting the content according to the tag action described in the local tag. If a local override tag is detected, the local tag is overridden, and the tag action described by the local override tag is performed. As long as there is program content, the supervisor continues to look for tags. The program content may be continuously read or written or may be done by interrupts instead of sequentially. (Underlining added for emphasis)

While the present Examiner removed the previous Examiner's rejections which were based on a multitude of references cited in a previous Office Action, namely, Chen, Esch, Allen, Beaudry, Minter, Kauffman, Kaiser, Klosterman, Rosser, Sposato, Fik, Harper and Kataoka (see previous Office Action for full citations), the present Examiner rejects the pending claims based on the newly cited references Reynolds, Lash and Lumley.

Nonetheless, Applicants believe that the pending claims are also patentable over the newly cited references since such references, alone or in combination, fail to teach or suggest all of the claims limitations of the pending claims. By way of example, Reynolds, Lash and Lumley fail to reach or suggest "one or more first tags" and "one or more second tags" wherein "second tags" can be processed "to modify at least a portion of at least one of the one or more first tags," as recited in the independent claims.

In rejecting claims 1-5, 7 and 9 based on Reynolds, with respect to the language added by Applicants in their previous response, the present Office Action cites Reynolds at paragraphs 0027 and 0028. Such paragraphs of Reynolds read:

[0027] The meta data component 114 may be generic informational material that pertains to a national advertising campaign (e.g. an automobile ad), or any other type of informational material commonly associated with broadcasting. The meta data component 114 is directly associated with the video data component 112 of the broadcast signal 110. This type of globally distributed national advertising campaign typically does not contain information that is tailored to any particular metropolitan area or geographic region. Accordingly, the meta data substitution system 100 can be used to replace all or part of the national automobile ad with advertising that is targeted to the particular metropolitan area. Information that may be included at the local level includes local pricing and dealer locations.

[0028] Meta data substitution system 100 can be situated at any point downstream of the original point of video distribution (e.g. the national broadcaster 50 in FIG. 1). For example, meta data substitution system 100 can be situated at distribution points such as a regional television network, a local television network affiliate, a local cable head end, or an internet service provider. As can be further appreciated, meta data substitution system 100 can be situated at multiple distribution points, thereby creating a cascading data substitution effect. FIG. 3 depicts such a scenario. National broadcaster 50 initiates the broadcast signal 110. Thereafter, regional broadcaster 58 has the opportunity to modify or substitute data into the broadcast via meta data substitution unit 100 prior to distributing the broadcast signal to the regional viewing audience 59. Either a modified signal 110' or the original signal 110 can be broadcast to the regional viewing audience 59. Likewise, the regional broadcaster 58 can forward the original signal 110 to a local broadcaster 60 or another type of downstream broadcaster. Further down the distribution chain, local broadcaster 60 has its own opportunity to modify or substitute data into the broadcast via meta data substitution unit 100a before a locally modified signal 110" is passed to a local viewing audience 61. The local broadcaster 60 also has the discretion to broadcast the original signal 110. In this scenario, the enhanced content is increasingly tailored to the intended viewing audience.

No where does Reynolds disclose “one or more first tags” and “one or more second tags” wherein “second tags” can be processed “to modify at least a portion of at least one of the one or more first tags,” as recited in the independent claims.

Even if one were to agree (which Applicants do not) with the statement in the present Office Action at page 6 that Reynolds “discloses that a system is operable to receive ‘one or more first tags’ associated with generic meta data components derived from a national affiliate whereupon . . . ‘one or more second tags’ associated with local meta data is operable to ‘modify’ the ‘one or more first tags’ by replacing either in whole or in part the associated content . . . or simply reinsert the original ‘one or more first tags’ back into the ‘communication stream,’” Applicants do not understand how

this serves to teach or suggest the claimed invention which calls for “processing the one or more second tags in the tables to modify at least a portion of at least one of the one or more first tags in the tables,” and “processing the one or more first tags in the tables to insert local content in place of the program content for re-transmission to the local area served by the receiver.” More specifically, the alleged definitions given by the Examiner for “first tags” (generic meta data) and “second tags” (local meta data) do not make sense, since applying such alleged definitions to the claim language would result in processing “local meta data” to modify “generic meta data” in one step and then, in a next step, processing “generic meta data” to insert local content in place of the program content.

Such incongruent rationale is due to the fact that Reynolds simply does not teach or suggest first and second tags nor how such first and second tags operate with respect to one another, as specified in the subject claim language.

For at least the above reasons, Applicants assert that independent claim 1 is patentable over Reynolds. Applicants also submit that dependent claims 2-5, 7 and 9 are patentable over Reynolds not only due to their dependence on claim 1, but also because such dependent claims also recite additional separately-patentable subject matter in their own right.

In rejecting claims 10-19, 22 and 26-31 based on the Lash/Lumley combination, with respect to the language added by Applicants in their previous response, the present Office Action cites paragraph 0033 of Lash which reads:

[0033] Still further, localization can be provided that would be impractical with conventional techniques. For instance, the programming networks 1200 can provide a generic video transport data stream which, at the distribution point 1400 in localities, can be translated to provide localized enhancing resources. For instance, a national advertiser could arrange for an advertisement to be run on a nationwide broadcast. The programming networks 1200 encode the generic video transport data stream. At the distribution point 1400 of each local affiliate of the programming network, the generic video transport data stream is transformed to provide, for instance, information related to the local outlets of the national advertiser.

In further support, the Office Action cites the “Enhanced Video (EV) transport processor 2050” in Fig. 2 of Lash. Lash at paragraphs 0038 and 0039 explains the functions of EV transport processor 2050 as follows:

[0038] Central to process flow is the EV transport processor 2050. The EV transport processor 2050 receives the video transport data stream, for instance from the decoder 2020 or the remote transport data source 2040. The EV transport processor 2050 includes software executing on hardware for altering the video transport data stream to create a modified video transport data stream for encoding in the input video signal 2010 to form an output video signal 2110. In some embodiments, the EV transport processor 2050 is implemented as a collection of JAVA classes and operates in a Solaris operating environment on workstations from SUN Microsystems, although the platform-independence of JAVA allows flexibility with respect to operating environment. In other embodiments, the ETV transport processor 2050 could be implemented in a special-purpose hardware environment. It could be integrated in the same hardware platform as an encoder, a decoder, or both.

[0039] An application properties file 2060 includes global information about the runtime properties of the EV transport processor 2050. An encoder/decoder properties file 2080 includes information about the decoder 2020 and the encoder 2090 to be used in connection with transport translation. The information is for configuring the input and output streams of the encoder and decoder (respectively). The configuration format and values will typically vary with the particular decoder 2020 and encoder 2090 used. A conventional JAVA properties file could be used for application properties file 2060 and/or the encoder/decoder properties file 2080.

However, just as with Reynolds, no where does Lash (nor Lumley) disclose “one or more first tags” and “one or more second tags” wherein “second tags” can be processed “to modify at least a portion of at least one of the one or more first tags,” as recited in the independent claims. It is unclear how the EV transport processor 2050 of Lash, which includes software executing on hardware for altering the video transport data stream to create a modified video transport data stream for encoding in the input video signal 2010 to form an output video signal 2110, serves to teach or suggest the claimed invention which calls for “processing the one or more second tags in the tables to modify at least a portion of at least one of the one or more first tags in the tables,” and “processing the one or more first tags in the tables to insert local content in place of the program content for re-transmission to the local area served by the receiver.”

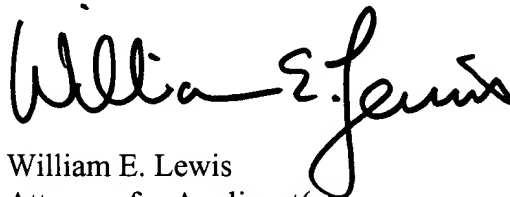
This is because Lash simply does not teach or suggest first and second tags nor how such first and second tags operate with respect to one another, as specified in the subject claim language.

The Office Action goes on to cite Lumley at column 10, lines 34-46, for explaining (as offered at page 6 of the Office Action) “how in particular the ‘one or more second tags’ . . . corresponding to promotional selection rules . . . are obtained.” However, it is again unclear as to how this part of Lumley (or any part of Lumley) remedies the above-identified deficiencies of Lash. It is also unclear, and unexplained in the present Office Action, how or why one would properly combine Lash and Lumley.

For at least the above reasons, Applicants assert that independent claim 10, 13, 19, 22 and 26 are patentable over Reynolds. Applicants also submit that dependent claims 11, 12, 14-18 and 27-31 are patentable over the Lash/Lumley combination not only due to their respective dependence on claims 10, 13 and 26, but also because such dependent claims also recite additional separately-patentable subject matter in their own right.

In view of the above, Applicants believe that claims 1-5, 7-19, 22 and 26-31 are in condition for allowance, and respectfully request withdrawal of the various §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis". The signature is fluid and cursive, with the first name "William" being the most prominent part.

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Date: March 14, 2005